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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the initial report of the State of Palestine

Legislative, policy framework and harmonization of laws

1. It is indicated in the initial report of the State party (CEDAW/C/PSE/1) that legislation in the State party does not provide for an explicit definition of the term "discrimination against women" (para. 4).[1] In the light of the State party's accession to the Convention and the enactment of the Amended Basic Law (paras. 9–10), please state the steps taken to integrate into national legislation the provisions of the Convention, in particular a definition of discrimination against women that is in line with article 1 of the Convention. Please inform the Committee about the status of the Convention in the State party's legal system and indicate whether the State party envisages publishing the Convention in the official gazette, stating the legal effect of such publication. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please explain the measures taken to repeal all legislation that is discriminatory towards women and girls, in particular personal status laws (para. 27). Please also provide examples of cases, if any, in which the provisions of the Convention have been invoked by national courts. Please indicate steps being taken to train judges, lawyers and imams on the Convention, in particular to ensure that interpretations of the sharia are not in conflict with provisions of the Convention.

2. The State party indicates that legislation emanating from various jurisdictions, including Jordan, is still applicable alongside the sharia. Please provide information on measures taken to develop legal frameworks to govern women's rights, to repeal archaic laws that do not conform to the provisions of the Convention and to address

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[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

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the discrimination against women and girls under personal status laws with regard to marriage, divorce, custody of children and inheritance. Please provide information on the implementation of the cross-sectoral national gender strategy covering the period 2017–2022 and the extent to which it addresses laws that are discriminatory towards women and girls (para. 60). In the light of the reconciliation between Fatah and Hamas and the establishment of a legislation harmonization committee in 2017, please provide information on steps being taken to harmonize laws and policies in the Gaza Strip and the West Bank, under which women and girls are currently subject to different legal protection regimes, measures to re-establish a unified legislative body (Palestinian Legislative Council) to address the current multiple legislative processes, in particular the current legal dichotomy between the Gaza Strip and the West Bank, and ensure that all future legislation is compliant with the provisions of the Convention.

Data collection

3. The State party does not identify the entity responsible for the collection of disaggregated data on women and girls. Please provide information on specific measures being taken to establish a dedicated entity to ensure the systematic collection of comprehensive sex-disaggregated data and measurable indicators to assess trends with regard to the situation of women and girls, including for the implementation of the Sustainable Development Goals, and the progress made in achieving substantive equality. Please indicate whether the State party envisages adopting laws governing the collection and production of data disaggregated by gender.

Access to justice

4. The State party indicates that, under article 30 of the Basic Law, the right to litigation is sacrosanct and guaranteed to all people (para. 22). Please provide information on women's access to justice in the State party, in particular in those areas in which dispute resolution is governed by the sharia. Please clarify the hierarchy between statutory law and the sharia, their respective scope and any provisions governing their coexistence. Please state whether decisions rendered by sharia and ecclesiastical courts are subject to appeal in civil courts (para. 27). Please indicate whether measures have been taken to facilitate effective access to courts by women, especially rural women, including in cases of gender-based violence and other forms of discrimination, and to enhance women's knowledge about their rights under the Convention and related national legislation. Please provide an update on the status of the bill of 2014 intended to establish a legal aid fund (para. 313). Please also state the extent to which women avail themselves of legal aid and whether it is available in civil matters, including domestic disputes.

Women and peace and security

5. Please provide information on the achievements and challenges in the implementation of the national action plan for the implementation of Security Council resolution 1325 (2000), which was approved in August 2016 (para. 133). Specifically, in accordance with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide information on measures taken to develop early warning systems for the prevention of conflict and to promote the inclusion of women; to ensure that early warning indicators are gender-sensitive and specific to gender-based violations; to address obstacles, including legal, social, political and institutional obstacles, with regard to the participation of women in conflict prevention, management and resolution; and to ensure that security sector reform results in security sector institutions that are

inclusive of women, liaise with women's organizations and respond to the gender-specific post-conflict security needs of women and girls. Please also provide information on the budget allocated to supporting the implementation of the national action plan and the extent to which women have been involved in national reconciliation and negotiation processes, in particular the recent reconciliation efforts between Fatah and Hamas.

National machinery for the advancement of women

6. According to the State party, the Ministry of Women's Affairs is the government body responsible for leading the advancement of gender equality (para. 16). The State party also indicates that gender units within government entities have been reorganized to ensure that gender issues are integrated institutionally across sectors (para. 18). Please provide additional information on measures taken to address the challenges that gender units face, such as disparities in functions, hierarchies and staff and the absence of consolidated budgeting (ibid.). Please describe measures being taken to improve skills in gender mainstreaming, including gender-responsive budgeting. Please provide updated information on the human and budgetary resources provided to the Ministry and state whether such resources are adequate for it to effectively undertake its activities as the national machinery for the advancement of women, in particular to improve women's knowledge about their rights under the Convention (para. 73). Please indicate the percentage of development aid that is dedicated to the implementation of women's rights and provide details on efforts to involve women in and integrate women's rights into the State party's work to implement the Sustainable Development Goals, following the creation of a national team to steer and coordinate efforts to achieve the Goals. Furthermore, please provide information on the extent to which representatives of civil society were consulted in the preparation of the report and comment on the quality of such consultations. Please explain the role of the national machinery for the advancement of women in that process.

Temporary special measures

7. The State party indicates that efforts have been made to apply temporary special measures with regard to the political participation of women, such as the adoption of Decree Law No. 1 (2007) (paras. 68–69). Please provide information on further temporary special measures envisaged, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of de facto equality of women with men.

Stereotypes and harmful practices

8. Please provide information on measures taken to develop a comprehensive policy to change social and cultural patterns that lead to stereotyping and the reinforcement of traditional roles of women and men in the family and in society, in particular targeting gender socialization practices that promote men as breadwinners and women as caregivers (para. 78). Please indicate measures in place to address stereotypes in the judiciary that perpetuate discrimination between women and men and media coverage that focuses on such aspects of the traditional role of women as cooking, health, the family, children and fashion (ibid.). Please provide information on the role of the Ministry for Women's Affairs in implementing measures, including raising awareness of gender stereotypes regarding the roles of men and women in society. Please describe the impact of such measures in eliminating stereotypical perceptions and attitudes regarding the roles of women in society and in the family,

as well as in addressing the persistence of harmful practices such as child marriages (para. 328).

Gender-based violence against women

9. Information before the Committee indicates that, under article 292 of the Penal Code of 1960, the definition of rape is restricted to non-consensual sexual intercourse by a male with a female, meaning that non-consensual acts that do not constitute intercourse, such as penetration using tools, are not covered. Please state the measures being taken to revise the definition of rape to include other non-consensual acts and marital rape. The State party indicates that it has a high prevalence of psychological and economic violence and that a statistical survey revealed that 37 per cent of women who had been married had previously experienced some form of violence by their husbands (29.9 per cent in the West Bank and 51 per cent in the Gaza Strip) (para. 82). Please provide information on measures envisaged for the adoption of the bill of 2015 to combat gender-based violence against women (para. 95), which should be in line with the Convention and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. Specifically, please provide information on measures taken to combat gender-based violence, in particular sexual violence and femicide, and to encourage reporting to law enforcement personnel; to ensure that the National Committee to Combat Violence against Women (para. 90) can effectively coordinate efforts to combat gender-based violence against women and girls, including domestic violence; and to ensure adequate funding for family protection units established in 2008 in the West Bank and to establish similar units in the Gaza Strip, as well as to ensure access to justice for all women and girls who are victims of gender-based violence, including harmful practices.

10. Please indicate measures taken to raise awareness of, and thus change societal attitudes towards, gender-based violence against women and girls. Please provide information on the number of protection orders that have been issued and those that have been violated, as well as the sanctions that have been imposed for violations. Please also provide information on the legal, medical and psychological assistance and rehabilitation available to women who are victims of gender-based violence. Please also provide data, disaggregated by age and type of offence, on cases of violence against women reported to the police, the number of cases brought to court and the number of prosecutions and convictions resulting therefrom. Please provide information on how nationwide data are collected, collated, analysed and shared for the purposes of effectively combating gender-based violence against women and girls, including domestic violence, especially in the West Bank and the Gaza Strip. Please provide information on measures taken to assess progress following the implementation of the national strategy to combat violence against women for the period 2011–2019. Please identify measures being taken to ensure that cases of violence against women are not subjected to informal dispute resolution mechanisms by mukhtars.

11. The State party indicates that acts of violence against women, such as so-called honour killings, are punishable by lighter penalties (para. 84). Please provide information on legislative measures being taken to increase the penalties for such killings in order to deter other perpetrators. Please also identify measures being taken to repeal the provisions of the Penal Code that ascribe guilt to both parties involved in incest without taking into account the power relations between the parties and the vulnerable situation of girls, as well as to suspend the prosecution or the sentence of a rapist if a valid marriage is contracted between the rapist and the victim (paras. 43 and 45). The State party indicates that it has established protection centres, but only one of the two in the Gaza Strip provides shelter, which makes it impossible to handle all requests for protection (para. 92). Please provide data on the availability and

accessibility of shelters for women and girls who are victims of violence, in particular in the West Bank and the Gaza Strip, and the nature of their funding, including its source, sustainability and extent (paras. 91–92). Please provide information on the extent of coordination between shelters and the national referral system for women who are victims of violence (para. 96).

Trafficking

12. The State party does not provide data on the demographics of the women who are victims of trafficking, the people who facilitate that trafficking and the reasons why women engage in sex work (para. 104). Please provide information on measures being taken to conduct a comprehensive study of the extent and root causes of trafficking in persons and exploitation of prostitution, in particular of women and girls, in the State party. The State party indicates that there are no laws on child prostitution and that a draft penal code proposes stiff penalties for trafficking in persons (paras. 101–102). Please provide information on measures being taken for the adoption of the draft penal code and to ensure that exploitation of prostitution of women and girls is combated, including through the use of circular No. 40/2004 (para. 108). Please provide information on the number of cases investigated and prosecuted and the nature of sanctions imposed on perpetrators of trafficking in persons, in particular women and girls; measures in place to, among other things, identify, screen, protect and assist women and girls who are victims of trafficking and to raise public awareness about trafficking in persons; and ensure that specific protection and other needs of women and girls who are victims of trafficking are taken care of by the national referral system for women who are victims of violence, which has a double mandate to provide protection for victims of gender-based violence and of trafficking.

Participation in political and public life

13. The State party indicates that, although there has been some improvement in the representation of women on decision-making bodies, they remain underrepresented, in particular on the Palestinian National Council, the Palestinian Central Council, the Executive Committee of the Palestine Liberation Organization, local councils, the judiciary and the foreign service (paras. 112, 115, 124 and 130). Please provide information on steps envisaged to increase the number of women in elected and appointed decision-making bodies in order to achieve the equal representation of women in political and public life, including through the adoption of temporary special measures in accordance with article 4 (1) of the Convention. Please provide, in particular, information on measures taken or envisaged, in accordance with the Committee's general recommendation No. 23 (1997) on women in political and public life, to introduce a system of quotas that would be aimed at reaching a minimum of 30 per cent representation of women in the parliament and to support women candidates for elected positions.

Education

14. The State party indicates that, following a comprehensive review between 2003 and 2006, a new curriculum was adopted for all educational levels, but it still contains stereotypical portrayals of women's roles (para. 169). Please provide information on measures taken to remove discriminatory gender stereotypes from curricula and textbooks and to reduce female illiteracy, in particular in rural areas (para. 186). Please also provide information on steps taken to ensure unlimited access for married young women to compulsory and free education. Please describe steps being taken to encourage women and girls to pursue science, technology, engineering and mathematics subjects and courses. Please indicate whether the State party envisages

developing and implementing national strategies and action plans aimed at eliminating traditional stereotypes and structural barriers that might deter the enrolment of girls and women in non-traditional fields of education at the secondary and tertiary levels (para. 223), reducing overcrowding in schools and addressing the double-shift system (para. 199), putting in place measures to rehabilitate schools destroyed during the conflict and to curb the use of schools as shelters for internally displaced persons (paras. 194 and 199) and reducing school dropout rates among girls and collecting data in that regard. Please indicate whether an age-appropriate education programme on sexual and reproductive health and rights has been integrated into curricula at all levels.

Employment

15. The State party indicates that women are concentrated in traditional occupations, in particular the service and agricultural sectors, and that very few women are employed as engineers and doctors (paras. 222–223). Please provide information on measures to improve the participation of women in non-traditional occupations and to reduce unemployment among women, which stands at 39.2 per cent compared with 22.5 per cent for men (para. 224). Please also provide information on measures taken to:

(a) Ensure the economic empowerment of women in the State party, especially in the Gaza Strip, and that the labour sector strategy for the period 2017–2020 targets the economic sectors in which women are concentrated;

(b) Improve the rate of employment of women, including through the use of temporary special measures, and ensure that their higher educational achievements correlate with labour participation;

(c) Enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization, through the use of labour inspections (para. 226);

(d) Establish a database for the recording of sexual harassment cases (para. 217);

(e) Improve the availability of childcare facilities and encourage the use of flexible working arrangements (para. 224);

(f) Revise the Labour Law of 2000 so that it encompasses informal work such as domestic service (para. 225) and does not overly restrict the participation of women in certain fields of employment, such as night work.

Health

16. Please provide information on the physical and economic challenges faced by women and girls in gaining access to health-care services in the State party, in particular by women in the West Bank and the Gaza Strip. The State party indicates that a national committee was set up in 2009 to establish a mechanism to reduce the maternal mortality rate (para. 248). Please provide information on the challenges and achievements in reducing maternal mortality, including through the availability of qualified birth attendants. Please provide information on the incidence of unsafe abortion and its impact on women's health, including maternal mortality. Please respond to reports that abortion is criminalized, except when termination is procured on medical grounds, and that the law considers it to be a mitigating factor when a woman is motivated by the need to protect her "honour". Please also provide information on measures taken to decriminalize abortion and to expand the grounds for legal abortion to include rape, incest and severe fetal impairment. Please provide information on measures being taken to tackle the challenges faced in ensuring access

to sexual and reproductive services and products, including contraceptives (para. 247).

Rural women

17. The State party indicates that the economic activity of rural women remains low (para. 291). Please provide information on progress achieved in implementing the national development plan for the period 2014–2016, which is also focused on rural women, including those in Area C (para. 294). Specifically, please identify programmes in place targeted at rural women to ensure their access to health-care services, sanitation, electricity, agricultural credit, transportation, information, modern technology, employment and adult education. Please provide information on progress and challenges in the implementation of social security legislation for private sector workers and members of their families, which was adopted in March 2016. Please provide data on the number of women who have benefited from the Disaster Risk Reduction and Insurance Fund (para. 293), which was established to compensate farmers and insured persons for agricultural damage and losses.

Disadvantaged groups of women

18. Please provide information on the situation of women with disabilities, in particular those affected by conflict, as well as on the assistance provided to women who have acquired disabilities owing to conflict. Please describe social protection measures put in place with a view to alleviating the impacts of conflict on women and girls, in particular female-headed households, beyond the State party's cash transfer programme (para. 283). Please provide examples of existing social protection programmes aimed at reducing economic burdens on older women, Bedouin women and young mothers who have lost their spouses owing to conflict. Please provide information on the situation of Palestine refugees with regard their rights to education, employment and health and on the investment made to ensure the availability of basis services to all disadvantaged groups of women, the occupation by Israel of some areas of territory notwithstanding. Please provide information on the situation of women and girls in detention, especially in the Gaza Strip.

Marriage and family relations

19. The State party indicates that, while nothing in its laws restricts women's legal capacity, there are exceptions (para. 311). Please provide information on the circumstances regarding those exceptions, explaining how they comply with the Convention. Please provide information on legislative and other measures taken to revise discriminatory provisions, including:

(a) The provision that considers a woman subsidiary to her husband when he files for bankruptcy (para. 312);

(b) The evidentiary rule that considers the testimony of a man to be equivalent to that of two women;

(c) The provision that invalidates a woman's right to custody when she remarries a man who is not a close relative of the child (para. 345);

(d) The restriction on women with regard to marrying non-Muslim men (para. 330);

(e) The provision that grants legal capacity to a male guardian to contract marriages on behalf of his female relatives and to decide to annul a marriage irrespective of the married woman's consent;

(f) The provision that grants men the unilateral right to divorce.

20. The State party indicates that there are varying minimum ages of marriage in the State party, depending on religion and geographical region: in the West Bank, it is 16 for males and 15 for females; in the Gaza Strip, it is 18 for males and 17 for females, but a judge may allow a girl over 9 years of age or a boy over 12 years of age to marry; for Eastern Christian churches and the Roman Catholic church, the age is 16 for males and 14 for girls, for the Syriac Orthodox church, it is 18 years for males and 16 for females (paras. 328–329). Please indicate steps being taken to harmonize the legal age of marriage at 18 years for both men and women. Please also indicate whether women married under Islamic law can have recourse to civil courts for all matters relating to marriage, family relations and inheritance. Please describe steps being taken to discourage and prohibit polygamous marriages in practice and in law, in particular to adopt models that strike a proper balance between culture and respect for women's rights.

Optional Protocol and amendment to article 20 (1)

21. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20 (1) of the Convention.